

**Ackerman, Joyce**

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**From:** Piggott, Amelia  
**Sent:** Friday, October 13, 2017 7:55 AM  
**To:** Jonathan H. Steeler; jason.king@coag.gov; 'Kevin Olson'  
**Cc:** rdean@stratuscompanies.com; Ackerman, Joyce; O'Reilly, Maureen  
**Subject:** RE: Stratus Redtail Ranch  
**Attachments:** 10.13.17ConsentForAccess.docx

Hi Jon,

As I've mentioned, EPA's On-Scene Coordinator assigned to the Site (Joyce Ackerman), is recommending that EPA conduct a time-critical removal action this field season (calendar year 2017, before winter weather sets in) to remove drums of various solvents and other hazardous substances before additional releases occur. There are reports that at least 1500 drums of industrial waste were disposed at the Site in the 1960s, including solvents and other likely hazardous substances. The Action Memo and Administrative Record will include a number of reports generated since 1990 that document the wastes delivered to the Site and investigations conducted by EPA, CDPHE and others.

The Stewart Environmental Consulting Group, LLC, has conducted investigations at the Site for Stratus Redtail Ranch, LLC. Joyce was present for brief periods during one of the Stewart Environmental investigations on 7-12-2017 and 7-19-2017. The investigation included locating areas of suspected buried drums using geophysical techniques, e.g., a metal-detecting EM-61 instrument. Suspect areas were then carefully excavated to determine if there were drums. Drums were found in several areas just a few inches below ground surface. During one excavation where Joyce was present, there were heavy solvent odors as the drums were exposed, indicating that there was a release of the drums' contents. During another excavation, a hole could be seen in the drum that was exposed, indicating that if hazardous substances were present in the drum, there was a likelihood of a release. The excavations did not attempt to expose the entire areal extent of buried drums, just to determine if there were drums present or not. The excavated areas were then recovered with soils.

One of the Stewart Environmental reports conducted for Stratus Redtail Ranch documents groundwater contamination found at various monitoring wells including but not limited to concentrations of TCE, cis-1,2 DCE, MEK, and Toluene. This indicates that releases have occurred, either from the drums themselves and/or dumping of the contents of the drums when they were disposed at the landfill. A CDPHE memo notes that a Stewart Environmental investigation identified elevated concentrations of TCE in several soil vapor samples, likewise indicating a release from some activity at the Site.

There are no access restrictions at the Site to prevent vehicle traffic or foot traffic. The drums located so far are buried only inches below ground surface and could be vulnerable to any intrusion by tools, machinery, or other disturbances. The drums are vulnerable to further damage by freeze-thaw cycles, ground subsidence, etc.

Conditions at the Site present a threat to public health and the environment, and meet a number of criteria in the National Contingency Plan for a time-critical removal action which will be documented in the Action Memo, i.e., (i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants or contaminants; (ii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release; and (iii) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate.

This removal action will be an interim action only to remove drums identified by the Stewart Environmental investigations. Additional cleanup actions are anticipated to be conducted in the future by other parties.

In order to conduct a timely and cost-efficient removal action, EPA needs the Stewart Environmental Phase II report as soon as possible, even if it is still in draft form. EPA needs the geophysical data which identifies likely areas of buried drums to avoid duplicating the work and which would be an unnecessary expense. I am also attaching a consent for access form; please let me know if and when your client can sign the document, and Joyce will be in touch further regarding next steps.

Thanks,

ap

Amelia Piggott  
Attorney  
U.S. EPA Region 8  
303.312.6410

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**From:** Jonathan H. Steeler [mailto:JSteeler@sennlaw.com]  
**Sent:** Tuesday, October 3, 2017 9:40 AM  
**To:** Piggott, Amelia <Piggott.Amelia@epa.gov>; jason.king@coag.gov; 'Kevin Olson' <kolson@us.ibm.com>  
**Cc:** rdean@stratuscompanies.com  
**Subject:** RE: Stratus Redtail Ranch

Amelia: Given that the barrels have been on the site for over 50 years and there is no evidence of leakage, it is surprising that EPA feels that this needs to be done so quickly. We have gotten no indication that work could not be done a bit later in this year. Nevertheless, if EPA determines that the work needs to be done with a fund lead in the time frame you indicated, my client will of course provide such access as necessary for the work to be done. As we discussed yesterday, I assume that EPA will be sending out notice letters of the intended course of action to all PRPs. As I have previously indicated to you, my client believes it is an innocent landowners as defined under CERCLA and its attendant regulations. We can discuss our position at a later time if you desire. Jon

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**From:** Piggott, Amelia [mailto:Piggott.Amelia@epa.gov]  
**Sent:** Tuesday, October 03, 2017 9:31 AM  
**To:** Jonathan H. Steeler; [jason.king@coag.gov](mailto:jason.king@coag.gov); 'Kevin Olson'  
**Cc:** [rdean@stratuscompanies.com](mailto:rdean@stratuscompanies.com)  
**Subject:** RE: Stratus Redtail Ranch

Jon,

Thanks for your email. As we've discussed, EPA believes the drums need to be dealt with this season, and have been working to ensure someone is in the field starting work by the beginning of November. Based on the delays we've encountered with scheduling, we no longer have time to negotiate an order for a PRP-lead removal. I will be in touch in the coming days about access to proceed with a fund-lead removal of the drums.

Thanks,

ap

Amelia Piggott  
Attorney  
U.S. EPA Region 8  
303.312.6410

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**From:** Jonathan H. Steeler [<mailto:JSteeler@sennlaw.com>]  
**Sent:** Monday, October 2, 2017 7:47 PM  
**To:** Piggott, Amelia <[Piggott.Amelia@epa.gov](mailto:Piggott.Amelia@epa.gov)>; [jason.king@coag.gov](mailto:jason.king@coag.gov); 'Kevin Olson' <[kolson@us.ibm.com](mailto:kolson@us.ibm.com)>  
**Cc:** [rdean@stratuscompanies.com](mailto:rdean@stratuscompanies.com)  
**Subject:** Stratus Redtail Ranch

Amelia:

As you know, Stratus has undertaken a Phase II nature and extent investigation. The primary reason for this investigation is to assure the property and the solid waste which has been located thereon for the last 50 years is not an imminent threat to public health and environment. Stratus is currently reviewing the draft results of this investigation and it is likely that the report will be submitted in the next two to three weeks. We believe that once this report is issued, all stakeholders will be in a better position to determine reasonable next steps for the property.

While we think a meeting of the stakeholders is definitely appropriate after the Phase II report is submitted, when IBM indicated that it would visit the site and agreed to meet with EPA, the State and Stratus, Stratus was more than willing to attend this meeting. Unfortunately, it now appears that IBM is unable to coordinate its scheduling to meet tomorrow. Stratus believes that IBM, as a PRP for this site, needs to attend any meeting regarding next steps for the Property. Whether those next steps involve drum removal, additional investigation or other remediation, IBM's involvement in a meeting and this effort is critical to resolving the issues at the site. If IBM can attend a meeting prior to issuance of the Phase II report, Stratus will assure that it can also attend. Accordingly, I don't think a meeting tomorrow without IBM would be useful.

Stratus will be happy to meet with all the stakeholders as soon as IBM can participate and in any event once the report has been completed and submitted.

Thanks  
Jon

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**From:** Piggott, Amelia [<mailto:Piggott.Amelia@epa.gov>]  
**Sent:** Monday, October 02, 2017 1:40 PM  
**To:** Jonathan H. Steeler  
**Subject:** Meeting tomorrow

Jon,

We just found out IBM is no longer able to participate in tomorrow's meeting. If possible, we'd still like to meet with Stratus to discuss next steps at the Site. Please let me know if you are still interested in meeting.

Thanks,

ap

Amelia Piggott  
Attorney  
U.S. EPA Region 8  
303.312.6410

**SVC** | SENN VISCIANO CANGES P.C.

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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Phone 800-227-8917  
<http://www.epa.gov/region08>

### CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: \_\_\_\_\_

Location of Property: \_\_\_\_\_

I hereby give my consent to officers, employees, and authorized representatives of the United States Environmental Protection Agency (EPA) and the Colorado Department of Public Health and the Environment (CDPHE) entering and having continued access to the above referenced property for the following purposes:

1. Conducting field inspections and investigations;
2. Taking samples of soil, surface water, ground water, or air or any materials stored on or disposed of on the property as may be determined to be necessary;
3. Other actions related to the investigation of surface or subsurface contamination; and
4. Taking a response action at the property.

I recognize that these actions are undertaken by the EPA pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq., as amended.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

[7/2014]



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